

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BERNADEAN RITTMANN, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., *et al.*,

Defendants

CASE NO. C16-1554-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

Plaintiffs ask the Court to lift the stay in this case in light of the Supreme Court’s recent decision in *Epic Sys. Corp. v. Lewis*, No. 16-285, slip op. (U.S. May 21, 2018). (*See* Dkt. No. 94 at 2.) As a result of the holding in *Epic*, Plaintiffs concede, “the NLRA no longer provides a basis for invalidating Amazon’s arbitration agreement, which contains a class action waiver.” (*Id.*) Accordingly, Plaintiffs ask the Court to now consider its alternative argument that the Federal Arbitration Act’s (“FAA”) transportation worker exemption applies. (*Id.*) (citing 9 U.S.C. § 1). This issue is currently under consideration by the Ninth Circuit in *Van Dusen v. Swift Transp. Co.*, No. 17-15102 (9th Cir. Jan. 20, 2017). As the Court previously indicated, this Court will not consider Plaintiff’s argument until “the Ninth Circuit’s resolution of *Swift*,” which

1 has not yet occurred.¹ (Dkt. No. 77 at 6.) Accordingly, Plaintiffs' motion to lift the stay (Dkt. No.
2 94) is DENIED.

3 DATED this 11th day of June 2018.

4 William M. McCool
5 Clerk of Court

6 s/Tomas Hernandez
7 Deputy Clerk

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¹ This decision has been stayed pending the Supreme Court's decision in *New Prime v.*
26 *Oliveira*, No. 17-340 (Feb. 26, 2018). Partly at issue in *New Prime* is whether independent
contractors fall under the FAA's transportation worker exemption. *See Oliveira v. New Prime,*
Inc., 857 F.3d 7, 15 (1st Cir. 2017), *cert. granted*, 138 S. Ct. 1164 (2018).